

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

STANLEY LEE LUTZ,

No. 2:14-CV-0317-JTR

Plaintiff.

V.

CAROLYN W. COLVIN,
Commissioner of Social Security,

ORDER GRANTING DEFENDANT'S
MOTION TO REMAND PURSUANT
TO SENTENCE SIX OF 42 U.S.C. §
405(g)

Defendant.

BEFORE THE COURT is Defendant's Motion for Remand of the above-captioned matter to the Commissioner for additional administrative proceedings, including a *de novo* hearing, pursuant to sentence six of 42 U.S.C. § 405(g). ECF No. 11. Attorney Dana Madsen represents Plaintiff; Special Assistant United States Attorney Danielle R. Mroczek represents Defendant. The parties have consented to proceed before a magistrate judge. ECF No. 8.

Plaintiff filed his complaint in this matter on September 26, 2014. ECF No.

1. Defendant has not yet filed an answer to the complaint. Pursuant to sentence six of 42 U.S.C. § 405(g), the Court may remand the case to the Commissioner for good cause shown before an answer is filed and retain jurisdiction. *See Melkonyan v. Sullivan*, 501 U.S. 89, 98, 101 n. 2 (1991). Here, Defendant asserts that a

1 remand is necessary because significant portions of the recording of the
 2 administrative hearing held on June 13, 2013, are inaudible. ECF No. 12 ¶ 4.
 3 Plaintiff's counsel does not object to Defendant's request for a sentence six
 4 remand. ECF No. 12 ¶ 6. After considering the file and proposed order, the Court
 5 finds good cause exists for the matter to be remanded for a *de novo* hearing and
 6 new decision. Accordingly,

7 **IT IS ORDERED:**

8 1. The Defendant's Motion For Remand Pursuant to Sentence Six of 42
 9 U.S.C. § 405(g), **ECF No. 11**, is **GRANTED**.

10 2. The above-captioned case is **REVERSED** and **REMANDED** to the
 11 Commissioner of Social Security for further administrative proceedings, including
 12 a *de novo* hearing, pursuant to sentence six of 42 U.S.C. § 405(g). On remand, the
 13 administrative law judge (ALJ) shall offer Plaintiff an opportunity for a new
 14 hearing, further update the medical record as deemed necessary, and issue a new
 15 decision.

16 3. The Court shall maintain jurisdiction of this action pursuant to 42
 17 U.S.C. § 405(g). If the outcome is still unfavorable to Plaintiff, he may seek
 18 judicial review by reinstating this case rather than by filing a new complaint.

19 The District Court Executive is directed to enter this Order, forward copies
 20 of the Order to counsel, and **ADMINISTRATIVELY CLOSE THE FILE**.

21 DATED December 2, 2014.



A handwritten signature in black ink, appearing to read "M", is placed over a horizontal line.

22
 23 JOHN T. RODGERS
 24 UNITED STATES MAGISTRATE JUDGE
 25
 26
 27
 28